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Application No. 10/645,856
Attorney Docket No. 29250-000924/US

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-6 and 21-24, 26-27, 29 and 31-36 are pending in this application.

Rejections under 35 U.S.C. § 103

Claims 1, 4, 21, 23, 24, 26, 28-29 – Helander/Longoni

Claims 1, 4, 21, 23, 24, 26, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander (U.S. Patent No. 6,728,237, hereinafter Helander) in view of Longoni (U.S. Patent Application Publication No. 2002/0052206, hereinafter Longoni). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants submit that Helander discloses load status information being “added to a data packet sent from a second processing means to a first processing means if the load status in the second processing means undergoes a change or alternatively undergoes a change *exceeding a given value.*” Helander, col. 10, lines 23-27. Moreover, Longoni discloses load information being transmitted “when a critical *threshold* is reached.” Longoni, paragraph [0048]. Thus, both Helander and Longoni disclose responding when a threshold is reached rather than disclosing “*one or more thresholds being adaptive depending on cell service mix*” as recited in claim 1 and as similarly recited in claims 4, 24, and 29 of the present application.

Therefore, Helander or Longoni, alone or in combination, can not render independent claims 1, 4, 24, and 29 obvious to one skilled in the art. Claims 21, 23, and 28, dependent upon either independent claim 1, 4, 24, or 29, are patentable at least for the reasons stated above with respect to those independent claims.

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In addition, Applicants have added independent claim 36 to the present application and submit that Helander or Longoni fails to disclose "*one of two thresholds being adaptive depending on cell loading*" as recited in claim 36. As such, Helander or Longoni, alone or in combination, can not render independent claim 36 obvious to one skilled in the art.

Applicants, therefore, respectfully request that the Examiner withdraw the rejection to claims 1, 4, 21, 23, 24, 26, 28, and 29.

Claims 2 and 5 – Helander/Longoni/Ahn

Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Longoni and further in view of Ahn (U.S. Patent Application Publication No. 2002/0022487, hereinafter Ahn). Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, Helander or Longoni, alone or in combination, fails to disclose or suggest all of the features as recited in claims 1 and 4, the independent claims from which the rejected claims depend. Further, Ahn fails to overcome the noted deficiencies of Helander and Longoni. Thus, it is respectfully requested that the rejection to claims 2 and 5 be withdrawn.

Claims 22, 27, 31-32 – Helander/Longoni/Naslund

Claims 22, 27, 31, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Longoni and further in view of Naslund (U.S. Patent No. 6,223,031, hereinafter Naslund). Applicants respectfully traverse this rejection for the reasons detailed below.

As similarly discussed above with respect to claims 1 and 4, Helander or Longoni, alone or in combination, fails to disclose or suggest "*the one of two thresholds is adaptive depending*

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on cell service mix" as recited in independent claim 31. Further, Naslund fails to overcome the noted deficiencies of Helander and Longoni.

Claims 22, 27, and 32, dependent upon either independent claim 1, 4, or 31, are patentable at least for the reasons stated above with respect to those independent claims. Thus, it is respectfully requested that the rejection to claims 22, 27, 31, and 32 be withdrawn.

Claims 25 and 30 – Helander/Longoni/Conventional Art

Claims 25 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Longoni and further in view of Applicant's Admitted Prior Art (hereinafter "conventional art"). Claims 25 and 30 have been cancelled rendering this rejection moot.

Claims 33 and 34 – Helander/Longoni/Naslund/Sawyer

Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Longoni and Naslund and further in view of Sawyer (U.S. Patent No. 5,794,140, hereinafter Sawyer). Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, Helander, Longoni, or Naslund, alone or in combination, fails to disclose or suggest all the features as recited in claim 31, the independent claim from which the rejected claims depend. Further, Sawyer fails to overcome the noted deficiencies of Helander, Longoni, and Naslund. Thus, it is respectfully requested that the rejection to claims 33 and 34 be withdrawn.

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CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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